

SENATE BILL NO. 405

INTRODUCED BY G. JERGESON, LINDEEN, BRUEGGEMAN, ZOOK

BY REQUEST OF THE SENATE FINANCE STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF ADMINISTRATION WITH REGARD TO ELECTRONIC GOVERNMENT SERVICES; PROVIDING DEFINITIONS; AUTHORIZING CONVENIENCE FEES FOR ELECTRONIC GOVERNMENT SERVICES; AUTHORIZING THE DEPARTMENT TO ADOPT RULES; PROVIDING FOR AN ADVISORY COUNCIL; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, dramatic changes in technology clearly point to a future where the state of Montana will need to conduct business electronically; and

WHEREAS, Montana's citizens and businesses are expecting state government to deliver more of its services and information through the Internet; and

WHEREAS, the offering of government services through electronic means can make businesses more effective and profitable and provide for greater convenience for citizens; and

WHEREAS, traditional means of obtaining government services will continue to be offered; and

WHEREAS, an optional method of providing government services can be established electronically; and

WHEREAS, the state of Montana is committed to offering government services electronically to its citizens and businesses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] may be cited as the "Montana Electronic Government Services Act".

NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 5], unless the context requires otherwise, the following definitions apply:

(1) "Advisory council" means the electronic government advisory council established in [section

1 5].

2 (2) "Convenience fee" means a fee charged to recover the costs of providing electronic
3 government services.

4 (3) "Costs" means the overall costs that the department may incur to provide electronic
5 government services, including the costs of contracts entered into with private entities to assist in
6 providing electronic government services.

7 (4) "Department" means the department of administration provided for in 2-15-1001.

8 (5) "Infrastructure" means the underlying technology necessary to provide electronic government
9 services.

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11 NEW SECTION. **Section 3. Responsibilities of department for electronic government.** (1) The
12 department shall:

13 (a) provide the ability for state agencies to offer electronic government services by providing a
14 reasonable and secure infrastructure;

15 (b) provide a point of entry for electronic government services to achieve a single face of
16 government;

17 (c) encourage a common look and feel for all electronic government services for the benefit of the
18 customers of the services;

19 (d) set technological standards for electronic government services;

20 (e) use technology that enables the greatest number of customers to obtain access to electronic
21 government services;

22 (f) promote the benefits of electronic government services through educational, marketing, and
23 outreach initiatives;

24 (g) share and coordinate information with political subdivisions whenever possible.

25 (2) To fulfill the responsibilities in subsection (1), the department may contract with private
26 entities. The department may charge convenience fees and may allow private entities to collect the
27 convenience fees on selected electronic government services in order to provided funding for the support
28 and furtherance of electronic government services. The advisory council may advise the department on
29 the amount of fees and the services on which to charge fees.

30 (3) The department or a private entity under a contract as provided in subsection (2) may not use

any data associated with providing electronic government services for any purpose that is not provided for by law.

NEW SECTION. Section 4. Rulemaking. The department may adopt rules to implement [sections 1 through 5].

NEW SECTION. Section 5. Electronic government advisory council. (1) There is an electronic government advisory council. The council consists of the following members:

- (a) the director of the department, who serves as presiding officer;
- (b) the secretary of state or the secretary of state's designee;
- (c) the attorney general or the attorney general's designee;
- (d) the director of the department of commerce or the director's designee;
- (e) the director of the department of revenue or the director's designee;
- (f) the state librarian or the state librarian's designee;
- (g) a member of the house of representatives, appointed by the speaker of the house;
- (h) a member of the senate, appointed by the president of the senate;
- (i) an elected local government official, appointed by the governor;
- (j) two representatives from state agencies that are not represented on the council, appointed by the governor;
- (k) two members of the public, appointed by the governor; and
- (l) the administrator of the information services division of the department.

(2) The advisory council shall:

- (a) advise the department with regard to the creation, management, and administration of electronic government services and information on the internet;
- (b) advise the department with regard to the administration of any electronic government services contract;
- (c) advise the department on the priority of government services to be provided electronically;
- (d) advise the department on convenience fees, if needed, for any electronic government service;
- (e) review and advise the department on financial reports, management reports, or other data as requested by the department;

(f) prepare reports upon the request of the governor or the legislature regarding the growth, performance, and use of electronic government services and other measurements that the advisory council considers necessary to implement and enhance the functioning of electronic government services;

(g) assist in identifying, evaluating, and prioritizing potential departmental and interagency electronic government services;

(h) serve as a central coordination point for electronic government services provided by the department or other state agencies; and

(i) study, propose, develop, or coordinate any other activity in furtherance of electronic government services as requested by the governor or the legislature.

(3) Each member of the advisory council shall serve a 2-year term and may be reappointed.

(4) Vacancies on the advisory council must be filled in the same manner as the original appointment, and the person appointed to fill the vacancy is appointed for the remainder of the unexpired term.

(5) Members of the advisory council who are not state employees are reimbursed and compensated as provided in 2-15-124. Members who are state employees are not entitled to compensation but are entitled to be reimbursed for expenses as provided in Title 2, chapter 18, part 5. Legislative members of the advisory council are reimbursed and compensated as provided in 5-2-302. The department shall provide support to and pay the expenses of the advisory council.

NEW SECTION. **Section 6. Codification instruction.** [Sections 1 through 5] are intended to be codified as an integral part of Title 2, chapter 17, and the provisions of Title 2, chapter 17, apply to [sections 1 through 5].

NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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